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ABSTRACT

This paper analyzes the nature of the student activity in this century and analyzes or predicts the character this activity might take. Four patterns of student activity are reviewed: (1) student union pattern, (2) the special interest group/confrontation pattern, (3) the neo-governmental pattern, and (4) the independence pattern. Emphasis is placed on the labor relations model, a third form of the independence pattern. The pros and cons of applying the labor relation model to students are discussed; however, the model has not been subjected to the test of experience. (Author/MJM)

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Students and Unions

Neil S. Bucklew

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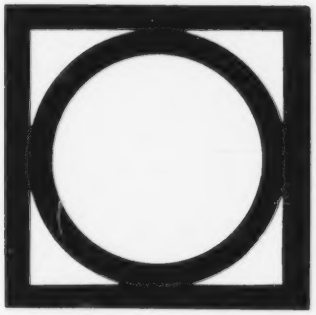

Center for the Study of Higher Education
Report No. 22

The Pennsylvania State University
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Preface

From the time universities were founded in the Middle Ages to the present, students have struggled to have a significant effect upon the university—its purposes, programs, and modes of governance. The students of Bologna actually controlled that university for a period. Students (and masters) at Oxford who had grown unhappy there "took a walk" to arrive at Cambridge where a new university was formed. In America, students have never had control of colleges and universities, but they have had a significant part in forming the contemporary institution, acting both constructively and destructively.

The historian Frederick Rudolph assigns the most potent student impact on the American college to the middle 1800s—a period when colleges were transformed from pietistic to utilitarian and pragmatic institutions. In this period, the actions of students were of two kinds. First, students developed an extra-curriculum that would later become curriculum: through literary societies and their libraries they introduced intellectual values not previously fostered; through fraternities and athletics they forced the colleges to serve the students on their terms. Second, students actually "rebelled" violently against many rules and practices of authoritarian administrators with such vigor that, despite the powerful resistance of most college presidents, the "identity" of colleges shifted fundamentally. Among many episodes of violence were the bombings of Nassau Hall at Princeton on three occasions and the deaths of two southern college presidents.

Once again in the 1960s, students acted both constructively and destructively to effect change in American colleges and universities. Constructively, they created the "free university," which introduced subjects and procedures not included in the present curriculum. Courses are taught by those whose legitimacy is established through their interest in the subject, not by a degree (although some teachers have both); students and teachers are coparticipants in the learning process; courses are ungraded; times and places of meeting are agreed upon by the members of the class. Destructively, there was massive student violence in the form of protests, strikes, bombings, and seizure of buildings and personnel which culminated in the deaths of four students at Kent State. This student activism was more massive than that of the nineteenth century because there were many more students and institutions, but some believe that it may also be of greater magnitude because students united their protest of current undergraduate education with sociopolitical issues of war and

civil rights. Furthermore, many think that these outbreaks of violence should not be labeled as episodic, that student aggression accompanies student attempts to change the university more often than not. After all, such violence is not unique to America in the past or the present; it has occurred and is occurring in many other countries, including Japan, France, and many Latin American countries.

However, students' violent protestations, no matter how "usual" they may be, give us pause to consider the reasons for such protests. Social psychologists, psychiatrists, and sociologists, among others, have attempted explanations of student aggression and have been unable to identify definitive causes. It seems appropriate, however, to observe that college and university structures have not yet been designed that permit or allow students to have a responsible, meaningful, and continuing effect on policy determination in their institutions. Student aggression is, at least in part, due to the lack of satisfactory institutional response and lack of institutional structures whereby student demands can be considered: students are consumers in a market place of education; they are not free to shop around after making a commitment to a college. They are not clients in terms of a physician-patient or lawyer-client relationship; they are more than apprentices learning a trade or profession. While *in loco parentis* has been a settled aspect of student-institution interaction and colleges and universities have often been paternalistic and *coercive* in their interaction with students, students cannot be identified legally as infants (or juveniles) in their relation to colleges and universities. Nor can they be identified simply as junior members of the community of scholars.

In other words, to those who have thought about student role in higher educational policy, the question is: how can students operate in a constructive and controlled mode to have a substantial input into or effect upon college and university governance? Their role at present is confusing, confused, and ambiguous.

Neil Bucklew has coolly assessed the idea of a students' *union* organized on an industrial-labor relations model as an answer to the question of student impact on governance. Dr. Bucklew is highly qualified to do so, holding a doctorate in industrial labor relations, serving as an administrator and educator in Central Michigan University, and having direct experience in union negotiation in an educational environment. While the idea of a students' union is at the very least controversial, Dr. Bucklew does not take sides. To some educators it will seem unpermissible to ask if a students' union could be a viable idea, but to the scholar who would study the governance of higher education the question and the idea is an important one. The points of view taken by Dr. Bucklew merit careful study.

Dr. Bucklew was a visiting research scholar and consultant on college personnel policy at The Pennsylvania State University for three months in the spring of 1973. The Center for the Study of Higher Education was his host. It was while he was with the Center that he prepared this paper and the Center is pleased to issue it as one of its numbered reports.

G. Lester Anderson, Director
Center for the Study of Higher Education
July 1973

Introduction

Alan Shark, a student leader at the City University of New York, recently predicted that:

> *The day may very well be approaching when students will be manning picket lines of their own. The signs they carry will read "On Strike," "Unfair Learning Conditions," "Support Your Local Student Association." The issues and demands will be made by responsible students who have been awakened to the fact that collective bargaining offers the possibility of making colleges and universities recognize and honor student prerogatives.*[1]

Mr. Shark may be right. The chronology of student activism of the last half century indicates a pattern of increased willingness on the part of students to adopt an independent, adversarial posture toward the university. The substance of this paper is to analyze the nature of the student activity in this century and to analyze or predict the character this activity might take.

I. Students and Concerted Action: A Review of Four Patterns

The exercise of concerted activity by students for the purpose of obtaining their goals has moved through four different phases over the past half century. These phases have resulted in four patterns of activity. They are: (1) the student union pattern, (2) the special interest group/confrontation pattern, (3) the neo-governmental pattern, and (4) the independence pattern. It is possible to review these various patterns of involvement in a chronological sequence. However, the dynamic quality of this subject and the diverse nature of colleges and universities makes any such chronology at best a generalization.

In the 1920s and 30s *the student union pattern** dealt with student funding and operation of specified facilities or functions such as housing, meal services, athletic programs (both intramural and intercollegiate), bookstores, etc. There was a slow evolution of funding and control by universities as they began to accept responsibility for most of these matters. By the 1940s and 50s special intrauniversity governmental systems were established in the form of *student government associations.* The student government apparatus had as its

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[1]Alan Shark, "The Students' Right to Collective Bargaining," *Change* 5 (April 1973): 9.

*This is not to be confused with student unionism which is a different phenomenon and one not as yet a part of American higher education, although recent activities may be the precursor of such unionism.

basic function governance over the extracurricular activities of students. The presence of an elected set of student officials did provide students with a structure for consulting with other constituencies on various issues. The assumption that this role was to be consultative in nature was in large part accepted by the various parties to this relationship.

In the 1960s *special interest groups* representing limited objectives began to appear. Many active students no longer turned to the established student government process as a vehicle of relating to the university organization. In the special interest group mechanism a small group of individuals shared a continuing relationship and called a much larger group into action as special issues arose. Confrontation often emerged as these interest groups and their associates attempted to secure their ends. This phase may be called the *special interest group/confrontation* pattern.

It has become a widely discussed question whether the era of confrontation by special interest groups has ended. The Carnegie Commission's report in June 1972 of an extensive survey of current attitudes toward the university shows "substantial general satisfaction with academic life today."[2] As an overall evaluation of their colleges only 12 percent of the undergraduates were either dissatisfied or very dissatisfied as compared to some 66 percent who were satisfied or very satisfied. It is, however, predictable that the special interest group/confrontation pattern will continue to exist on campuses but not as a main pattern.

A new pattern of student collective activity was becoming apparent by the mid-1960s. This new pattern, which views students as a special constituency within the university community and attempts to assure an appropriate degree (or proportion) of student involvement in the broad range of university governmental issues, might be called *neo-governmental.* An example of this movement is the expansion of student membership in most governance structures and committees. In addition, the traditional student government association has attempted to redefine its role in university governance. This redefinition has been multidirectional. One direction has been to claim an "exclusive representation" role for student government and the resulting right or power to appoint student members to governmental committees. Another direction has been the call on various campuses for the disbanding of separate government structures (e.g., student government, faculty senate, administrative councils, etc.) and the replacement by an omnibus council or structure. Although the forms of accomplishing goals in the neo-governmental pattern have been quite di-

[2]Carnegie Commission on Higher Education, *Reform on Campus: Changing Students, Changing Academic Programs* (Hightstown, New Jersey: McGraw-Hill, June 1972), p. 9.

verse, this pattern basically reflects a desire to participate more fully in the established governance process as opposed to substituting non-governmental structures or seceding from the process and reentering as adversaries.

The latest and most current pattern of student concerted action is the *independence pattern* whose central tenet is that students will structure themselves into an "extra-university" entity as a necessary stage in the process of gaining freedom. The rationale for the independence pattern is described in a recent article in *The Journal of Higher Education:*

> *Many student governments were once the focus of considerable student loyalty and were effective proponents of student views. Recent developments have, however, made most of them irrelevant in the eyes of most students: they have seldom been the centers of student initiative for reform and change in student life and they have been regularly by-passed in favor of ad hoc groups in student campaigns to secure new programs and services. Contacts with presidents of student governments indicate that many believe that increased independence from their institutions is the key to the revival of vitality and importance on their campuses.*[3]

The independence pattern is taking various forms such as the *corporate model* which would constitute student bodies as a legal entity and establish a new basis for relating to the university. Another form of the independence pattern is the *student as consumer model.* The tenant union movement is perhaps the clearest example of the consumer role. This movement has used negotiations, rent strikes, boycotts, and other techniques associated with the labor relations field to give students a concerted voice in relationships with landlords. A more recent example is found in the discussion of direct financial grants to students as a method of financing higher education. This financing pattern recognizes the student as a consumer and becomes the direct source of determining financial support of an institution.

The *labor relations model* is a third form of the independence pattern receiving quite visible discussion at this time. As indicated earlier, use of the union model in student-university relations in the United States has been only a matter of theoretical discussion to date.[4] Various labor relations techniques have been adopted on an *ad hoc* basis but in no instance has a comprehensive labor management relationship been implemented. However, the

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[3]W. Max Wise, "The Student Corporation: a New Prospect for American Colleges and Universities," *The Journal of Higher Education* 44 (January 1973): 32-33.

[4]For a discussion of student unionism in Europe see Porter Butts, *State of the College Union Around the World* (Ithaca, N.Y.: Association of College Unions International, 1967).

national student government movement has considered this a top priority issue, and there is a call for official recognition by the university community of a union of students as the exclusive bargaining agent. The intent is that a bargaining relationship will ensue and that a written collective bargaining agreement will be drawn. The rhetoric of this movement is that of the traditional labor management relations system. In the article noted above, Wise cites the opinion of an individual close to the student movement when he notes:

> *One experienced observer of student efforts at collective action, who was also an attorney to several student governments, has recently said, "I suspect that what is going to occur, and what in fact already is occurring, is that students will engage in collective activity analogous to that of labor unions . . . In my opinion, collective activity and negotiations by student 'unions' constitute the wave of the future."*[5]

Should such a movement evolve and the labor relations model be accepted, it would involve the adoption of established principles. The traditional labor relations model has the concept of collective bargaining as its keystone. Collective bargaining is viewed as a system of bipartite decision making evoked within a sanctioned infrastructure for the purpose of mutual determination of wages, fringe benefits, and related conditions of employment. Traditional labor management relationships involve the following principles:

(1) *The determination of an appropriate bargaining unit.* This unit describes the individuals to be covered by the resulting labor management relationship. A unit may be agreed upon by the two parties involved in the labor management relationship or may require establishment by a third party mechanism (employment relations board).

(2) *Free election/decertification.* The individuals in an appropriate unit are provided a secret ballot-free election for determining whether they wish to be represented exclusively by a particular bargaining agent. This same system provides a structure for decertification of an exclusive bargaining agent.

(3) *Exclusive bargaining agent.* Labor management relations recognizes that the individuals in an appropriate unit are represented exclusively, for the purposes of determination of specific matters, by their elected agent. Individual members of the unit no longer can reach individual determinations of bargained conditions but must grant such determination rights to the selected representative.

(4) *Bipartite negotiations.* The two parties (employer-union) are required to negotiate in good faith in an attempt to reach agreement over appropriate subject of bargaining. There is no requirement to reach agreement, only a requirement to negotiate in good faith.

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[5]Wise, "The Student Corporation," p. 33.

(5) *Mediation/fact finding/compulsory arbitration.* Traditional systems of dispute settlement are used to encourage agreement between the parties. These systems use third party involvement as the key to bringing the two affected parties into agreement. The techniques range from "gentle assistance" to granting the third party the right to make substantive decisions binding the two parties.

(6) *Written binding contract.* Labor management relations is based on the principle of the agreement between the parties being reduced to a written, legally-binding contract.

(7) *Grievance/grievance arbitration.* Neither party is ultimately free to independently interpret the binding contract. A system of "contractual jurisprudence" is used for the determination of contract interpretation questions.

II. Students and the Labor Relations Model: Applications

If the labor relations model were to be adopted, it could pertain to the student in three contexts: the student as employee, the student as affected third party, and the student as student.

The following discussion will indicate the scope of current activity in each of these areas, patterns, or models of relationship that have or might evolve, and the advantages and disadvantages of the labor relations model in these contexts.

A. Students as Employees

The use of student employees is a widespread phenomenon in universities. In some situations students are used as temporary relief or "fill-in" employees in an area regularly staffed by nonstudent employees. Student employees in this situation have often found themselves in conflict with the goals and needs of regular staff employees particularly in the issue of "job jurisdiction." When the traditional labor relations model is in use by the staff employees, this conflict often originates in the collective bargaining agreement which imposes quota systems and other protective devices. In some of these situations the bargaining unit definition includes part-time employees so that student-relief employees actually become members of the bargaining unit itself but have only minor effect on the political operation of the union.

Positions as student assistants or aides in academic units is a second form of employment for students. The work is normally associated with a particular faculty member or academic department and consists of such duties as grading exams, typing, library research, laboratory preparation, etc. The employment relationship is basically a one-to-one situation,

appointments are often influenced by the academic promise of the student. Significant pressure exists for including such appointments into the general financial aid package of the university.

A third basic form of student employment is large areas of routine student employment such as food service operations. It is likely that student status is a prerequisite for obtaining such employment and, in many of these arrangements, students represent the basic working force with staff employees a distinct minority. The staff employees perform a speciality task or have a supervisory-management responsibility. Wages, fringes, and other conditions of employment in such situations have traditionally been determined by the university as employer. The last two decades have witnessed increased student-worker involvement in these matters, reflecting the implementation of contemporary management principles of "employee motivation." This involvement has come to mean the expectation and even demand that students be involved in the determination of employment policies and practices directly affecting them in their role as employees. The forms of this involvement have included the following:

1. The relationship of the individual student employee to an immediate supervisor.

2. The increased use of student "lead workers" or supervisors.

3. The establishment of advisory councils or committees of student employees to assure that management is aware of student-worker needs and interests.

In these areas of a student-based work force, a new pattern of relationship has started to evolve. Student employees have joined together for the purpose of relating to the university as an employer in the determination of traditional conditions of employment. In some instances, the group has come together to resolve an *ad hoc* issue or goal (to resolve a particular working issue); in other cases the new association assumes an ongoing concern with the total scope of student employee issues. These latter groups have sometimes called themselves unions. In spite of the occasional use of the union designation, the university as an employer has seldom granted any form of recognition. Under pressure, the employer has met with these groups but has normally insisted that it met with them only as a group of "interested student employees" and not as a labor organization. In spite of the absence of recognition, these groups have regularly submitted "demands" which the university calls

"recommendations." These matters are discussed by the parties and there is evidence of their capacity to reach agreement. The decision on the part of the employer to implement any of these agreements is unilateral (as opposed to the bilateral binding agreement). If placed in written form, these agreements are normally a stated management policy not a bilateral binding agreement. Even though these groups or "unions" of student employees are growing and becoming more common, their relationship with the university as an employer is not characterized by many of the principles of the traditional labor relations mode. They seldom have any form of recognition—and definitely do not have exclusive bargaining recognition. There is seldom any third party determination of an appropriate unit nor is there any form of election or certification. Although a form of negotiations occurs, there is no legal requirement to negotiate in good faith nor is any agreement statutorily required to be reduced to a written binding contract. Grievance procedures are not an uncommon outcome of this relationship but the use of an outside binding arbitrator is quite uncommon.

Student employees have adopted the full form of the labor relations model in a few situations. The University of Wisconsin represents the most comprehensive implementation of this relationship to date. In 1969 the University granted recognition to the Teaching Assistant Association as the exclusive bargaining agent for teaching assistants on the Madison campus. This recognition did not take place under state law but under a special structure negotiated by the parties for this purpose. The certification election was held by the state employment relations commission as a service to the parties. Negotiations took place and a written binding agreement was developed (after a traditional labor relations strike). The parties have renegotiated twice since the conclusion of the first agreement.

In 1970, student employees in the residence halls system and the memorial union system of the Madison campus of the University of Wisconsin sought exclusive bargaining agent rights under the state labor law. Two bargaining units were sought: the Residence Halls Student Labor Organization (RHSLO) petitioned to represent student employees in the residence halls system of the University; the Memorial Union Labor Organization (MULO) petitioned to represent both student employees and "limited term" staff employees. The majority of the latter unit were students. The State Employment Relations Commission found that student employees were covered under the statute and certification elections were held. The employees selected the exclusive bargaining agent in each case and the University entered into a legally-defined bargaining relationship with student employees.

Negotiations with RHSLO resulted in an agreement, but only after a rather bitter strike. The unit in the Memorial Union settled without use of the strike. The contracts represent the first instance of collective negotiations under the sanction of a labor law between a university and units of student employees.

Wisconsin adopted a new public employee labor law (Wisconsin Statutes 111.80, Amended) in July 1972 which excluded students from coverage. Existing contracts under the previous statute were permitted to be in effect until July 1973. The Residence Halls Student Labor Organization had no contract at the time the law was enacted. Although RHSLO has maintained a skeleton organization, there is no legal bargaining unit sanctioned under law nor does it appear that the University will enter into any form of voluntary recognition. The Memorial Union Labor Organization and the University did have a contract at the time the revised labor law came into effect. That contract has a reopener clause for May 1973 and it appears that the union will request continued negotiations. It is possible that the University will extend voluntary recognition similar to that existing with the Teaching Assistant Association.[6]

There are instances of collective bargaining with student employee groups at other institutions. The University of California at Berkeley has had semiofficial relations with student employee groups calling themselves "unions." These relations have resulted in new policy statements by the University but not in collectively bargained contracts. In July 1971, the University of Oregon entered into a collective bargaining relationship with a union consisting of student food service workers. The union, Local 1893 of the American Federation of State, County, and Municipal Employees, AFL-CIO, represented student employees in both the dormitory and Student Union food service systems of the University. This agreement, reported by Richard C. Reynolds, Director of the Erle Memorial Union at the University of Oregon, included the following issues: recognition, checkoff, work rules, uniforms, seniority, discipline, grievance procedure, sick leave, leaves of absence, and wages.[7]

Oregon and Wisconsin represent the situation where a labor management relationship involving student employees developed under law. The revised labor law in Wisconsin now

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[6]Personal interview with Edward Corcoran, Personnel Office, University of Wisconsin, March 1973.

[7]Richard C. Reynolds, "Labor Relations, Labor Unions, and Student Labor Unions," speech delivered at the annual meeting of the Association of College Unions International, St. Louis, Missouri, 1972.

excludes students. There is little evidence to indicate that student employees will be interpreted as covered by most state labor relations acts. It is also fairly clear that voluntary recognition by universities as employers is not going to be widespread. Although there is increased involvement of student employees in the decision-making process affecting their conditions of employment, there is no indication at this time that the student employee unions pattern is spreading. It is important to note that previous experiences in the general society (private sector, 1930s; public sector, 1960s) indicate that where there is an interest, the labor relations model will predictably be adopted: as the existence of a labor relations statute increases union organization, so does the desire for unionization eventually lead to the passage of enabling legislation.

B. Students as Third Party

The adoption of the labor relations model within the general university community has basically been a phenomenon of the 1960s and almost totally limited to the staff employee sector. The parties to this relationship—the university and staff employee unions—have acknowledged no role for students in negotiations. It is not unheard of, however, for either party to use "student interest" as an argument in support of a particular bargaining position. Again, when the parties to the labor management relationship have become involved in a conflict which has taken the form of work stoppage, it has not been uncommon for student involvement to become an issue. Unions at times have either urged or accepted student support of a strike and the university has not been above the use of student labor to replace the striking staff employees. There are also occasional grievance cases where student support has been evident. In addition to these uses of students, students are often affected by contracts. Limited student services and higher tuition rates are partly explained by the cost associated with the collective bargaining agreements. In some cases, as was noted before, staff employee unions have negotiated settlements that affect the employment possibilities of students.

With the advent of faculty unionism in four-year institutions of higher education, students as third party observers has become a question of renewed interest. The use of the labor relations model by faculty has a much higher level of interest, if not impact, on students than the use of the model by staff employees. Students have traditionally expressed an interest in various faculty employee policies and practices. Most campuses could describe a case, if not several, where students have been discontented about retaining or dismissing a

faculty member. Various employment conditions of faculty (e.g., office hours, counseling responsibility, etc.) have been matters of student newspaper editorials and general student complaints for some time. Many students would indicate not only an interest but a sense of deserved involvement in such matters of negotiations as faculty workload and class size. Because of the significant impact of bargaining on the academic personnel budget, students can also view their tuition costs (consumer costs) as being directly affected by the collective bargaining negotiations with faculty.

The rights and structure of student participation in faculty-university collective bargaining have yet to take any general form. Of the four-year institutions with faculty bargaining agreements, students have had a direct role in the negotiations or ratifications of the contracts in only a handful of situations. Students, along with alumni, were observer/commentors of the faculty collective bargaining process at the Brooklyn Campus of the Long Island University. At two of the Massachusetts State College Campuses (Boston State and Worcester State) students have had the responsibility for ratifying those portions of the collective bargaining contract that describe their role in governance. More recently, students were included in the actual negotiations where they were permitted to participate in all discussions. At Central Michigan University students hold membership on specified contractual committees. The student appointees in that case are named by the Student Government Association. Students hold membership in the academic senate which also names members to contractual committees at Central Michigan University.

Although faculty bargaining is still a limited phenomenon, it is a growing phenomenon. Experiences of student involvement have been even more limited, but models depicting how such involvement might occur can be drawn. Three such models are:

1. Indirect Representation. This model may take several forms. It is based on the assumption that the two parties directly involved in the negotiation (faculty union and university administration) will be able to represent adequately student concerns without involving students in the actual negotiations. This representation could be accomplished in several ways. The bargaining teams could develop mechanisms to assure student inputs into the respective bargaining positions. This involvement could take place away from the bargaining table and be part of the preparation process. The consultation with students would be limited to those subjects directly affecting students. Another form would be to assign a bargaining representative, such as a student affairs officer, the specific task of evaluating the effect of bargaining issues on students and student life.

2. Observer/Participant. This model, through some mechanism, would involve students in the actual negotiations of the collective bargaining agreement. Students could be included as third party silent observers of the actual negotiation to assure that student interests were considered and protected. An optional form of this approach would allow the observers to discuss only those subjects directly affecting students. Another option would grant students the opportunity to participate fully in discussions.

An alternate to having students as third party observers would be to include student membership on either or both bargaining teams. This would be permissible under law, but would raise the issue of whether the student members of the process were advocates of the students or advocates of one of the parties to negotiations.

3. Full Participation. This model would involve a third bargaining team in the negotiations. The new bargaining team would consist of students or student representatives. The actual collective bargaining would take place as tripartite bargaining or some modification of such a system. The student team could have the power to present counterproposals but not to initiate original demands. Another approach would grant the student team an approval/veto power over any bargaining agreement directly affecting students. As another option, the team could be granted full bargaining team rights including the power to present, demand, and ratify any final contract agreement.

The legal status of tripartite negotiations is unclear. Labor relations statutes are written to describe a bipartite decision-making system. A third party would have no legal status under law. The parties could agree to a third party involvement but it becomes an unanswered legal question whether such involvement could be to an extent that would limit the power of the parties to reach agreement.

Some observers of the faculty bargaining activity point out that the labor relations model is essentially a bipartite system and that multiparty negotiations have no tradition of success in collective bargaining.

The implementation of student involvement in the labor relations system using the models described above, or alternatives to those models, lies basically in the future. As was noted, there has been limited involvement of students in both the actual bargaining process (Boston State College and Worcester State College in Massachusetts and Long Island University) and in the contract itself (Central Michigan University, Boston State, and Worcester State). There is the distinct possibility that the thrust for student involvement may be through separate bipartite negotiations with the university administration.

C. Students as Students

Students in their role as members of the university community are beginning to express distinct interest and even commitment to the adoption of the labor relations model. Even though it is not clear to what extent the traditional model is being sought, it is clear that the traditional terminology and rhetoric is being used to herald a new type of student movement. Alan Shark, who is currently chairman of the City University of New York student senate, recently described this desire:

> *The formal recognition and relationship of students would best be served through a collective bargaining unit of students. The terms and conditions of the contract would be collectively bargained for by a tripartite body of students, faculty, and administrators subject to the board of higher education and the state legislature.*[8]

The adoption of the labor relations model is not a totally new development. Students, as a special interest group within a diverse community, have previously adopted various aspects of the model. The concepts of "demands" and "negotiations" over those demands have appeared before; the concept of "mediating" differences and "grieving" an issue of concern have been part of previous student-university relationships. They provide the base of experience which allows the ultimate call for "unionism" as an exclusive bargaining process.

The call for a "contract"* is not a totally new concept either. The concept of contract as a binding, if not always written, agreement is finding increased application in non-labor relations situations. In many ways students have been affected by the increasing contractual nature of our society. The catalog or bulletin of the contemporary university represents a "curriculum contract." This is not the same as a written contract which is part of labor relations, but it is a guarantee of most university policies and it represents a contractual obligation on the part of the university's curriculum and catalog. Another form of contractual relationship has developed in the form of a "living contract." Students, who by choice or requirement live in university dorms and use university food facilities, enter into a "contract" covering the rules and obligations of dormitory life. In residence councils and other systems, students have an increasing role in the description of this contract. The ten-

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[8]Alan Shark, "A Student's Collective Thought on Bargaining," *The Journal of Higher Education* 43 (October 1972): 557.

*Most labor laws require that the negotiated settlement be reduced to a written binding contract.

ant union movement represents another form of student influence on "living contracts." To a large extent the efforts of this consumer group have been with external landlords, but the university as a landlord has not escaped attention. Again, student codes of conduct in many ways represent a "behavioral contract" for students. The events of the past decade have placed these codes within the general principles and jurisdiction of due process rights of the broader society. Nevertheless, they continue, and student involvement in the description of these codes has increased. Grievance and appeal systems for the interpretation and application of these various forms of contractional relationships have grown in universities.

Another form of contractional relationship that is on the rise is the concept of "educational contract" between individual student and individual faculty member. This concept is expanded in various universities to include a "negotiated set of degree requirements." Such programs as individualized studies have even been extended to degree levels.

It is often pointed out that the student-university relationship is not well described by the use of the employer-employee system. Some suggest that a clearer relationship is the consumer-vendor relationship. It is clear that the relationship of the students to the university is not within the traditional view or practice of labor-management relationships in the United States. It should be noted, however, that the traditional private sector relationship of labor and management, which was often argued to be inappropriate for the public sector, has become an historical reality. Furthermore, the widespread arguments that the labor relations model is not acceptable for application to the faculty-university relationship is not supported by the evidence of the last few years.

III. Application of the Labor Relations Model to Students as Students: Advantages and Disadvantages

It should be remembered that what is categorized as an advantage or disadvantage below obviously differs according to the perspective of the individual reader. Various pieces and parts of the traditional labor relations model do exist in the relationship of "students as students" to the university. There is no experience to date where the labor relations model in its entirety has been applied to this relationship. Nevertheless, it is possible to use the principles of the labor relations framework to acknowledge some of the theoretical advantages and disadvantages of such an application.

A. Advantages

1. The union model holds the promise of more clout by students as they attempt to obtain special student desires. There is a sense on the part of some that a union model will better permit students to "get it together" and to pursue their own particular need interest in the complex give and take of the university. Significant student input is normally limited to crisis situations; bargaining would provide a structured, ongoing process of involvement.

2. The union model is consistent with a general philosophy of an equal voice in decision making, held by many students.

3. The union model could be structured to preserve small group and special group interests.

4. The union model would give students a concerted-action power base in order to assist them in gaining consideration of their demands. For instance, the withholding of tuition payments or room payments by a significantly large number of students could conceivably provide students with an adequate power base from which to pursue desired ends.

5. Various characteristics or principles of traditional labor-management relationships would, at least on the surface, appear to be applicable to the student-university setting. It is conceivable that such principles as collective bargaining negotiations, a collective bargaining agreement, mediation, fact finding, grievance systems, etc., could function adequately.

6. The use of the union model by students as students is consistent in some ways with its expanded uses by the other groups in the university, e.g., faculty, staff, and clerical workers.

7. There is educational value in the experience that would be functional for students as they enter into an increasingly adversarial society.

B. Disadvantages

1. The use of the union model might be a deterrent to some traditional relationships within the university such as the relationship of students to faculty members, the traditional role of student government, and the traditional role of students in university governance mechanisms such as the senate.

2. The model implies granting exclusive bargaining power to a particular organization. This implies that the organization will be able to represent the diverse interests and needs of students.

3. The union model implies some moderate long-range stability on the part of the bargaining unit membership. It is assumed that the bargaining agent has the capacity to make and keep agreements. The short term status of students as students is contrary to most of these assurances.

4 Many issues of interest to students do not by their nature lend themselves to being resolved in the bipartite arena of collective bargaining negotiations. Instead they require the deliberative involvement of various groups.

5. Collective bargaining negotiations imply a two-way "contract." There is an assumption that each party is able to provide a service or good that is necessary to the other party's welfare. In exchange, the parties attempt to determine a mutually satisfactory relationship. If the parties do not have a roughly equal "exchange currency" then negotiations are unbalanced and traditionally unsuccessful. It is not evident that students can exercise any such balance.

6. No legal structure for controlling and monitoring a labor union relationship with students as students exists. There is distinct evidence that the absence of such a monitoring relationship (employment relations commission) creates distinct difficulties for the accomplishment of an effective labor-management relationship.

7. Involvement in a labor union relationship diverts student interest and energy from the primary role of student.

IV. Conclusion

The discussion of these pros and cons of applying the labor relations model to students in their role as students is not intended to provide a firm set of conclusions. Application of the model has not been subjected to the test of experience. Selected aspects of the model have been used and found satisfying, if not promising. The rhetoric in support of the adoption of the union structure continues. If tradition can provide insight into the future it would appear to indicate that where the labor relations model has been sought by a constituency, it has eventually been applied—first informally and then by law.

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